



U.S. Department of Justice

United States Attorney
Southern District of New York

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 10, 2015

BY ECF AND HAND DELIVERY

The Honorable Thomas P. Griesa
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Prevezon Holdings, Ltd., et al.*, 13 Civ. 6326 (TPG)

Dear Judge Griesa,

The Government writes in response to the defendants' letter of July 9, 2015, in which the defendants accuse the Government of attempting to mislead the Court. The defendants' accusation of dishonesty is not only unfounded but belied by documents the Government has already produced to the defendants.

The defendants claim that the Government attempted to mislead the Court by supposedly abandoning allegations in the amended complaint about certain transfers of fraud proceeds for lack of evidence, and by not advising the Court of this supposed abandonment. *See* Docket Item ("D.I.") 294 at 1 ("Rather than correct the statements the Government knows to be wrong, he wrote to this Court asking for an immediate ruling."); *id.* ("The Government is urging you to decide a motion based on previously pleaded facts that it knows to be without merit."); *id.* ("The Government is now asking you to decide the motion to dismiss without telling you that you would be relying upon allegations that it has since abandoned.").

This accusation is baseless. These allegations in the amended complaint, far from being "wrong" or "abandoned," D.I. 294 at 1, are true and supported by ample documentation. This documentation includes the bank statements of the shell companies that received the funds in question, which the Government has already produced to the defendants under control numbers US-PREV140704 to US-PREV140750 and US-PREV140759 to US-PREV140777.¹ The

¹ The Government has produced over 167,000 pages of documents in discovery so far. To date, the defendants have produced fewer than 6400 pages.

defendants should not have made an accusation of this nature before examining the documents the Government has produced.

The defendants' conduct is particularly inappropriate because they did not give the Government the chance to explain the defendants' error before bringing this matter before the Court. The defendants wrote to the Government with these accusations on Tuesday, July 7, and requested a response by today, July 10. *See* D.I. 294-1 at 1-2. Yesterday—the day before the July 10 deadline they set—the defendants wrote to the Court accusing the Government of dishonest conduct. The Government immediately wrote the defendants, pointing to the precise pages of documentation refuting their claim and asking them to advise by the end of the day on July 9 if they would retract their accusation of dishonesty. *See* Exhibit A. Despite saying that they would respond to our letter soon, defendants have not to date confirmed that they will retract their accusation.

In sum, the defendants made an accusation of dishonesty to the Court that is contradicted by records that are in their possession, they did so before allowing the Government a chance to explain by the July 10 deadline that they set, and they have not retracted this accusation despite being pointed to the precise pages of the documents in their possession refuting their claim.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: Counsel of Record (by ECF)